

REMARKS

This Amendment is being concurrently submitted with a Request for Continued Examination (RCE). Claims 16-30 and 70-75 were previously pending of which, claim 16 has been amended, claims 128-132 have been added, and claims 70-75 have been canceled without prejudice or disclaimer. No new matter has been added by way of the foregoing amendments. Support for the foregoing amendments can be found in at least pages 10-14 of the Specification. The foregoing amendments and remarks that follow constitute a proper and complete response under 37 C.F.R. § 1.111 to the Office Action dated June 13, 2008. Reconsideration of presently pending claims 16-30 and 128-132 is respectfully requested.

Rejections Under 35 U.S.C. §103

Amended claim 16 recites:

A method of providing secure communication between a mobile node and home domain using a foreign domain, comprising:

transmitting a registration request from the mobile node to the home domain the request comprising an identity of a user of the mobile node in encrypted form and network routing information in non-encrypted form;

the home domain receiving and processing the registration request to generate a registration reply comprising one or more encryption keys for encrypting messages communicated between and among the mobile node, home domain, and the foreign domain, wherein the one or more encryption keys are generated in response to the home domain requesting the one or more encryption keys; and

transmitting the registration reply from the home domain to the foreign domain and the mobile node. (Emphasis added).

Claims 16-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue et al. (U.S. Patent 6,167,513 hereinafter referred to as “Inoue”) in view of RFC 1827 IP Encapsulating Security Payload (ESP) (hereinafter referred to as “RFC 1827”). Applicant

traverses this rejection on the grounds that these reference are defective in maintaining a *prima facie* case of obviousness with respect to claims 16-30.

In *KSR Int'l. Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1739 (2007), the Court stated that “a patent composed of several elements **is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.** Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their established functions, it can be important to identify a **reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.** This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known.” *Id.* at 1741 (emphasis added).

As the PTO recognizes in MPEP § 2142:

... The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness...

It is submitted that, in the present case, a *prima facie* case of obviousness cannot be maintained for the following reasons.

Inoue cannot be applied to reject claim 16 under 35 U.S.C. § 103(a) which provides that:

A patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains ... (Emphasis added)

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be considered. However, Applicants respectfully submit that the Inoue, alone or in

combination, does not teach a method of providing secure communication between a mobile node and home domain using a foreign domain that includes the feature of “the home domain receiving and processing the registration request to generate a registration reply comprising one or more encryption keys for encrypting messages communicated between and among the mobile node, home domain, and the foreign domain, wherein the one or more encryption keys are generated in response to the home domain requesting the one or more encryption keys.”

More specifically, Inoue teaches that the mobile computer transmits a key request message with respect to the gateway (GW1), and in response the GW1 decides whether or not to give the public key to the mobile computer. (Inoue, Col. 17., lines 60-65). Accordingly, the keys, including KEY1 and KEY2, of Inoue that are generated in response to a key request message sent from the mobile computer to the GW1.

Accordingly, the burden of factually supporting a *prima facie* case of obviousness clearly cannot be met, and the rejection of claim 16 under 35 U.S.C. §103(a) should be withdrawn. Dependent claims 17-30 depend from, either directly or indirectly, and further limit claim 16, and thus are allowable for at least the same reasons as set forth above in claim 16.

Newly Added Claims

Claims 128-132 have been newly added. It is respectfully submitted that cited references, alone or in combination, do not teach a method of providing secure communication between a mobile node and home domain using a foreign domain that includes: “transmitting a registration request from the mobile node to the home domain,” “the registration request including an identity of a user of the mobile node in encrypted form and network routing information in non-encrypted form,” “receiving and authenticating, by the home domain, the registration request from the mobile node,” “requesting, by the home domain, a plurality of encryption keys for encrypting messages communicated between and among the mobile node, home domain, and the foreign domain,” “generating, by the home domain, a registration reply including the plurality of encryption keys,” and “transmitting the registration reply from the home domain to the foreign domain and the mobile node.” Accordingly, claims 128-132 are in condition for allowance.

Conclusion

It is clear from all of the foregoing that claims 16-30 and 128-132 are in condition for allowance. Favorable consideration and an early indication of allowability are respectfully requested.

The Examiner is invited to call the undersigned at the below-listed number if a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,



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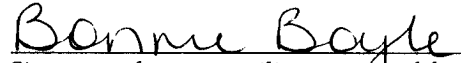
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